

Excerpts
Planning Commission Minutes
April 13, 2005

Application No. ZT-92-05, York County Board of Supervisors: Consider amendments to the following sections of the York County Zoning Ordinance (Chapter 24.1, York County Code)

Mr. Mark Carter, Assistant County Administrator, commenced a summary of the report to the Commission dated March 31, 2005, and clarification of specific items addressed in the proposed "housekeeping" package of recommendations.

RECESS

Vice Chair Ptasznik called a recess at 9:50 PM.

RECONVENE

The meeting was reconvened at 10:05.

Mr. Carter completed his presentation. He noted the staff recommendation of approval.

Mr. Ptasznik was of the opinion the segment of Route 17 north of Cook Road should remain part of the existing Tourist Corridor Management District instead of having it covered by the new TCM provisions proposed for the southern segments of Route 17 [new Section 24.1-378]. He believed that particular section was more closely associated with Yorktown and is considered a "gateway" to Historic Yorktown. He said the existing overlay would better reflect and preserve that character. **Mr. Staton** agreed that the segment of Route 17 north of Cook Road had a distinctly different character and should be retained in the existing TCM overlay.

Upon the conclusion of the staff presentation, **Mr. Ptasznik** invited questions or comments and reminded the members they could recommend approval of all or some of the recommended revisions.

Mr. Barba commented on portable storage boxes ("pods") and the length of time portable storage boxes are permitted to remain on residential property. **Mr. Ptasznik** recommended that the Commission consider limiting the frequency of placement on a property to once per year, rather than once every six months. [Section 24.1-271, Subsection (c)]

Mr. Ptasznik mentioned the need for a provision to allow easy installation of a privacy fence next to someone else's existing fence, and **Mr. Carter** clarified that the proposed amendments regarding "finished sides" are not intended to prevent the installation of a new fence as long as it meets whatever standards that may be adopted with regard to "finished" sides. [Section 24.1-271]

Mr. Ptasznik asked what would be included under the term "environmentally sensitive area" as used in the proposed amendments dealing with cluster development. **Mr. Carter** acknowledged

that section needs further clarification and suggested it be deferred to allow staff time to develop supplementary language. He also recommended that the provisions dealing with abutting road rights-of-way be deferred for further review and revision. [Section 24.1-372(c)(2) and (d)(3)]

Mr. Hamilton asked if the proposed filing fee increases are adequate and expected to cover rising costs and how often the fee table is reviewed. He asked if they could be written in such a way as to automatically increase from year to year. [Section 24.1-108]

Mr. Carter said the proposed increases should be enough at this time. **Mr. Barnett** confirmed that an automatic adjustment/increase would not be possible. **Mr. Carter** agreed that more frequent review would be desirable and suggested that a two-year review cycle become routine.

Mr. Ptasznik opened the public hearing.

Mr. Robert Duckett, Director of Public Affairs, Peninsula Housing & Builders Association (PHBA), 760 McGuire Road, Newport News, addressed several issues of concern to that organization.

He supported the proposed changes to Section 24.1-361, Planned Development, because the proposed language should provide the Supervisors more flexibility.

Mr. Duckett supported the fee increases proposed in Section 24.1-108, acknowledging the County had not raised its fees in a number of years and the taxpayers have a legitimate interest in recouping administrative costs. He appreciated the County's efforts to keep the costs reasonable.

He questioned whether localities can establish stand-alone Chesapeake Bay Preservation Area requirements as part of the County Code rather than having them as part of the Zoning Ordinance. **Mr. Duckett** recommended postponing action on this section until clarification is obtained from the state.

Mr. Lamont Myers, Manager, Mid-Atlantic Communities, residing at 108 Pheasant Watch, believed changes to the ordinance regarding cluster developments would restrict flexibility and therefore restrict cluster developments. **Mr. Myers** said York County has a superior ordinance addressing cluster developments, and suggested deferring action on Section 24.1-402 until the development community has reviewed the proposed amendments it and made its comments.

Hearing no others, the Vice Chair closed the public hearing.

Mr. James E. Barnett, Jr., County Attorney, commented that a stand-alone Chesapeake Bay ordinance is legal and numerous localities already have adopted them. The Chesapeake Bay Local Assistance Board (CBLAB) has already reviewed the draft stand-alone ordinance, he added, and found it in compliance with guidelines CBLAB provided to localities.

Mr. Carter commented there is no urgency to adopt revisions related to abutting property and environmentally sensitive areas in cluster developments, and recommended that the proposed

revisions to Section 24.1-402(c)(2) and (d)(3) be deferred until they have been discussed with the PHBA and others.

Mr. Carter suggested a way to address filing fees would be to establish a biennial fee review process as a standard operating procedure instead of a Code requirement.

Mr. Staton moved adoption of Resolution No. PC05-19(R), deferring recommendations on Sections 24.1-402(c)(2) and (d)(3) (cluster provisions), establishing a one-year rather than six-month placement frequency for PODS, establishing additional flexibility in the "finished side out" requirement for fences, including the segment of Route 17 north of Cook Road in the existing TCM overlay, and suggesting a review of filing fees every two years become a separate standard operating procedure rather than a requirement of the County Code.

Resolution No. PC05-19(R)

On motion of Mr. Staton, which carried 5:0 (Messrs. Davis and Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-92-05, WHICH PROPOSES AMENDMENT OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) BY REVISING, ADDING AND DELETING VARIOUS SECTIONS TO UPDATE, CLARIFY AND SUPPLEMENT THE PROVISIONS IN ACCORDANCE WITH GOOD ZONING PRACTICE

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-92-05 to allow consideration of various amendments intended to update, clarify and supplement the provisions of the Zoning Ordinance in accordance with good zoning practice; and

WHEREAS, the Planning Commission has considered these proposed amendments, as outlined and described in the March 31, 2005 briefing memorandum and its attachments; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on the proposed amendments in accordance with applicable procedures; and

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of April, 2005 that it does hereby recommend approval of Application No. ZT-92-05 to amend various sections of the York County Zoning Ordinance as contained in the attachments to the March 31, 2005 briefing memorandum to the Commission, said attachments being made a part of this resolution by reference, and with the following modifications or exceptions:

- Defer consideration and recommendation on the proposed amendments to Section Nos. 24.1-402(c)(2) and (d)(3) (cluster provisions);
- Establish a one-year rather than six-month placement frequency for PODS;
- Establishing additional flexibility in the "finished side out" requirement for fences;
- Include the segment of Route 17 north of Cook Road in the existing TCM overlay; and

- Establish a two-year review cycle for filing fees to become a separate standard operating procedure.

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